

Snell & Wilmer
L.L.P.
LAW OFFICES

One Arizona Center
400 East Van Buren Street
Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000
602.382.6070 (Fax)
www.swlaw.com

NEW APPLICATION



0000161626

RECEIVED

ORIGINAL

2015 APR -3 P 3:14

AZ CORP COMMISSION
DOCKET CONTROL

LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

April 3, 2015

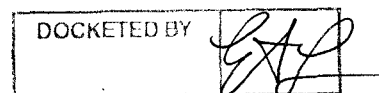
Arizona Corporation Commission

DOCKETED

APR 3 2015

By hand delivery

Docket Control Center
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007



Re: In the matter of the application of WANRack, LLC for a Telecommunications Certificate of Convenience and Necessity to Provide Private Line Transport Services and Petition for Competitive Classification.

Expedited Treatment Requested

Docket No. T-20925A-15-0113

To whom it may concern:

Enclosed please find the Application of WANRack, LLC ("Company") for a telecommunications CC&N pursuant to A.A.C. R14-2-1105 and A.R.S. §§ 40-281 and 40-182.

The Company requests a certificate to offer private line transport services. The Company proposes to offer site-to-site fiber optic transport and wide area network services to connect the sites of enterprise customers such as businesses and schools. In addition, the Company requests that its services be classified as competitive under A.A.C. R14-2-1108.

The Company requests expedited consideration of this Application. The Company has a prospective customer ready to receive service as soon as the Application is approved. The customer is a school that has a need for the Company's services.

The Application uses the form provided on the Commission's website, and includes WANRack, LLC's proposed tariff. Please direct any communications regarding this Application, including data requests, to the Company's attorneys:

Snell & Wilmer
LLP

ACC Docket Control
April 3, 2015
Page 2

Michael W. Patten
Timothy J. Sabo
SNELL & WILMER L.L.P.
One Arizona Center, Suite 1900
400 West Van Buren
Phoenix, Arizona 85004-2202
602.382.6347
602.382.6070 (fax)
mpatten@swlaw.com
tsabo@swlaw.com

with a copy to the Company addressed to:

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143
305-495-9849
gerry.garza@WANRack.com

Please do not hesitate to contact us if there are any questions with the Application.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read "Timothy J. Sabo", followed by a long horizontal flourish line.

Timothy J. Sabo

**APPLICATION
CERTIFICATE OF CONVENIENCE & NECESSITY**

If the Applicant wants to provide any type of Non-Customer Owned Pay Telephone ("COPT") telecommunications services in Arizona, provide the Arizona Corporation Commission ("Commission") with information being requested.

Remember that information submitted for a Certificate of Convenience and Necessity ("CC&N") will be made part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. Mail your original CC&N application plus thirteen (13) copies to Arizona Corporation Commission, Docket Control, 1200 W. Washington Street, Phoenix, AZ 85007-2927.

Make sure you use the Application form dated May 24, 2010. Also, make sure you answer each numbered item and part of the item in each section of the Application form. If you do not use the correct Application form and/or do not completely answer the numbered item(s), Staff will request the Applicant to re-submit the Application form and/or complete any of the numbered item(s) and part of the item in a data request. In order for Staff to review your Application, complete the following form. Thank you.

Application and Petition for Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services

For Docket Control Only:
(Please Stamp Here)

Docket No.: _____ Date: _____ Date Docketed: _____

(A-3) The d/b/a ("Doing Business As") name if the Applicant is doing business under a name different from that listed in Item (A-2):

N/A

(A-4) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Management Contact:

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143
305-495-9849
(no facsimile number)
gerry.garza@WANRack.com

(A-5) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Attorney and/or Consultant:

Michael W. Patten
Timothy J. Sabo
SNELL & WILMER L.L.P.
One Arizona Center, 19th Floor
400 West Van Buren
Phoenix, Arizona 85004-2202
602-382-6000 (voice)
602-382-6070 (facsimile)
tsabo@swlaw.com

(A-6) The name, address, telephone number (including area code), facsimile number (including area code), and E-mail address of the Applicant's Complaint Contact Person:

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143
305-495-9849
(no facsimile number)
gerry.garza@WANRack.com

(A-7) What type of legal entity is the Applicant? Mark the appropriate box(s) and category.

- ☐ Sole proprietorship
- ☐ Partnership: _____ Limited, _____ General, _____ Arizona, _____ Foreign
- ☒ Limited Liability Company: _____ Arizona, Kansas Foreign
- ☐ Corporation: _____ "S", _____ "C", _____ Non-profit
- ☐ Other, specify: _____

(A-8) Please include "Attachment A":

Attachment "A" must include the following information:

1. A copy of the Applicant's Certificate of Good Standing as a domestic or foreign corporation, LLC, or other entity in Arizona.
2. A list of the names of all owners, partners, limited liability company managers (or if a member managed LLC, all members), or corporation officers and directors (specify).
3. Indicate percentages of ownership of each person listed in A-8.2.

See Attachment A.

(A-9) Include your Tariff as "Attachment B".

Your Tariff must include the following information:

1. Proposed Rates and Charges for each service offered (reference by Tariff page number).
WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.
2. Tariff Maximum Rate and Prices to be charged (reference by Tariff page number).
WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.
3. Terms and Conditions Applicable to provision of Service (reference by Tariff page number).
WWANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B.
4. Deposits, Advances, and/or Prepayments Applicable to provision of Service (reference by Tariff page number).
WANRack provides service under individual customer contracts. A proposed ICB tariff is attached as Attachment B. WANRack does not require customer deposits.
5. The proposed fee that will be charged for returned checks (reference by Tariff page number).
WANRack will offer only ICB service. The proposed ICB tariff is attached.

(A-10) Indicate the geographic market to be served:



Statewide. (Applicant adopts statewide map of Arizona provided with this application).



Other. Describe and provide a detailed map depicting the area.

(A-11) Indicate if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any formal or informal complaint proceedings before any state or federal regulatory commission, administrative agency, or law enforcement agency.

Describe in detail any such involvement. Please make sure you provide the following information:

1. States in which the Applicant has been or is involved in proceedings.
2. Detailed explanations of the Substance of the Complaints.
3. Commission Orders that resolved any and all Complaints.
4. Actions taken by the Applicant to remedy and/or prevent the Complaints from re-occurring.

None.

(A-12) Indicate if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any civil or criminal investigation, or had judgments entered in any civil matter, judgments levied by any administrative or regulatory agency, or been convicted of any criminal acts within the last ten (10) years.

Describe in detail any such judgments or convictions. Please make sure you provide the following information:

1. States involved in the judgments and/or convictions.
2. Reasons for the investigation and/or judgment.
3. Copy of the Court order, if applicable.

None.

(A-13) Indicate if the Applicant's customers will be able to access alternative toll service providers or resellers via 1+101XXXX access.

☐ Yes

☒ No **WANRack does not provide voice services**

(A-14) Is Applicant willing to post a Performance Bond? Please check appropriate box(s).

☐ For Long Distance Resellers, a \$10,000 bond will be recommended for those resellers who collect advances, prepayments or deposits.

☐ Yes

☒ No

If "No", continue to question (A-15).

☐ For Local Exchange Resellers, a \$25,000 bond will be recommended.

☐ Yes

☒ No

If "No", continue to question (A-15).

☐ For Facilities-Based Providers of Long Distance, a \$100,000 bond will be recommended.

☐ Yes

☒ No

If "No", continue to question (A-15).

☐ For Facilities-Based Providers of Local Exchange, a \$100,000 bond will be recommended.

☐ Yes

☒ No

If any box in (A-14) is marked "No", continue to question (A-15).

Note: Amounts are cumulative if the Applicant is applying for more than one type of service.

(A-15) If any box in (A-14) is marked "No", provide the following information. Clarify and explain the Applicant's deposit policy (reference by tariff page number). Provide a detailed explanation of why the Applicant's superior financial position limits any risk to Arizona consumers.

WANRack, LLC requests that no bond be required. WANRack, LLC does not require customer deposits. Recent Commission decisions have moved away from the bond requirement. WANRack, LLC is currently providing similar services in Missouri and Wyoming without incident. WANRack, LLC is requesting authority to provide private line service, more specifically to provide private fiber network services to enterprise customers (including businesses and schools). This is a highly competitive market with numerous other providers. No residential customers will be served. Thus, a bond is not necessary. Please see Attachment D for financial information.

(A-16) Submit copies of affidavits of publication that the Applicant has, as required, published legal notice of the Application in all counties where the Applicant is requesting authority to provide service.

Note: For Resellers, the Applicant must complete and submit an Affidavit of Publication Form as Attachment "C" before Staff prepares and issues its report. Refer to the Commission's website for Legal Notice Material (Newspaper Information, Sample Legal Notice and Affidavit of Publication). For Facilities-Based Service Providers, the Hearing Division will advise the Applicant of the date of the hearing and the publication of legal notice. Do not publish legal notice or file affidavits of publication until you are advised to do so by the Hearing Division.

WANRack, LLC will publish the form of notice required in the Procedural Order to be issued in this docket.

(A-17) Indicate if the Applicant is a switchless reseller of the type of telecommunications services that the Applicant will or intends to resell in Arizona:

☐

Yes

☒

No

If "Yes", provide the name of the company or companies whose telecommunications services the Applicant resells.

(A-18) List the States in which the Applicant has had an application approved or denied to offer telecommunications services similar to those that the Applicant will or intends to offer in Arizona:

Note: If the Applicant is currently approved to provide telecommunications services that the Applicant intends to provide in Arizona in less than six states, excluding Arizona, list the Public Utility Commission ("PUC") of each state that granted the authorization. For each PUC listed provide the name of the contact person, their phone number, mailing address including zip code, and e-mail address.

WANRack, LLC applied for and received telecommunications authority in Wyoming and Missouri. Wyoming CLEC authority (CCN for Local Exchange) was granted in Docket No. 70244-1-TA-14. Missouri PSC granted WANRack was granted interexchange and nonswitched local exchange certificates of service authority in File No. TA-2015-0051. Copies of the Missouri and Wyoming orders are included as Attachment E. WANRack, LLC also has an application pending in the State of Texas, but has not yet commenced service in Texas.

(A-19) List the States in which the Applicant currently offers telecommunications services similar to those that the Applicant will or intends to offer in Arizona.

Note: If the Applicant currently provides telecommunication services that the Applicant intends to provide in Arizona in six or more states, excluding Arizona, list the states. If the Applicant does not currently provide telecommunications services that the Applicant intends to provide in Arizona in five or less states, list the key personnel employed by the Applicant. Indicate each employee's name, title, position, description of their work experience, and years of service in the telecommunications services industry.

WANRack, LLC provides similar services in Missouri and Wyoming. Please see Attachment F for information regarding key personnel.

(A-20) List the names and addresses of any alternative providers of the service that are also affiliates of the telecommunications company, as defined in R14-2-801.

None.

(A-21) Check here if you wish to adopt as your petition a statement that the service has already been classified as competitive by Commission Decision:

- ☐ Decision # 64178 Resold Long Distance
☐ Decision # 64178 Resold LEC
☐ Decision # 64178 Facilities Based Long Distance
☐ Decision # 64178 Facilities Based LEC

Private Line Services have been classified as competitive services by the Commission in Decision No. 72050 (January 6, 2011) for Telequality Communications, Inc., and Decision No. 74899 (January 22, 2015) for Threshold Communications, Inc.

B. FINANCIAL INFORMATION

(B-1) Indicate if the Applicant has financial statements for the two (2) most recent years.

☒ Yes ☐ No

If "No," explain why and give the date on which the Applicant began operations.

(B-2) Include "Attachment D".

Provide the Applicant's financial information for the two (2) most recent years.

1. A copy of the Applicant's balance sheet.
2. A copy of the Applicant's income statement.
3. A copy of the Applicant's audit report.
4. A copy of the Applicant's retained earnings balance.
5. A copy of all related notes to the financial statements and information.

Note: Make sure "most recent years" includes current calendar year or current year reporting period.

WANRack, LLC is not a publicly traded company and will provide the financial statements to the Commission Staff upon execution of a protective agreement. WANRack, LLC agrees that the total assets, shareholder equity and net income in those reports may be made public in the Staff Report for this docket.

(B-3) Indicate if the Applicant will rely on the financial resources of its Parent Company, if applicable.

N/A

(B-4) The Applicant must provide the following information.

1. Provide the projected total revenue expected to be generated by the provision of telecommunications services to Arizona customers for the first twelve months following certification, adjusted to reflect the maximum rates for which the Applicant requested approval. Adjusted revenues may be calculated as the number of units sold times the maximum charge per unit.

WANRack projects total revenues for Arizona-jurisdictional telecommunications services in Arizona in the first twelve months following certification to be between \$0 to \$480,000.

2. Provide the operating expenses expected to be incurred during the first twelve months of providing telecommunications services to Arizona customers following certification.

WANRack projects operating expenses incurred during the first twelve months of providing Arizona-jurisdictional telecommunications services in Arizona to be between \$0 and \$40,000.

3. Provide the net book value (original cost less accumulated depreciation) of all Arizona jurisdictional assets expected to be used in the provision of telecommunications service to Arizona customers at the end of the first twelve months of operation. Assets are not limited to plant and equipment. Items such as office equipment and office supplies should be included in this list.

WANRack projects that the net book value of all Arizona jurisdictional assets used to provide telecommunications services in Arizona to Arizona customers at the end of its first twelve months of operation to be \$1,400,00.00.

4. If the projected value of all assets is zero, please specifically state this in your response.

N/A

5. If the projected fair value of the assets is different than the projected net book value, also provide the corresponding projected fair value amounts.

WANRack, LLC accepts the net book value as the fair value of the assets in Arizona.

C. RESOLD AND/OR FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES

(C-1) Indicate if the Applicant has a resale agreement in operation,

☐

Yes

☒

No

If "Yes", please reference the resale agreement by Commission Docket Number or Commission Decision Number.

D. FACILITIES-BASED LONG DISTANCE AND/OR FACILITIES BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES

(D-1) Indicate if the Applicant is currently selling facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services in Arizona. This item applies to an Applicant requesting a geographic expansion of their CC&N:

☐

Yes

☒

No

If "Yes," provide the following information:

1. The date or approximate date that the Applicant began selling facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services in Arizona.
2. Identify the types of facilities-based long distance telecommunications services AND/OR facilities-based local exchange telecommunications services that the Applicant sells in Arizona.

If "No," indicate the date when the Applicant will begin to sell facilities-based long distance telecommunications AND/OR facilities-based local exchange telecommunications services in Arizona.

WANRack anticipates beginning to provide services immediately upon Commission approval of this application.

E. FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES

(E-1) Indicate whether the Applicant will abide by the quality of service standards that were approved by the Commission in Commission Decision Number 59421:

☒

Yes

☐

No

(E-2) Indicate whether the Applicant will provide all customers with 911 and E911 service, where available, and will coordinate with incumbent local exchange carriers ("ILECs") and emergency service providers to provide this service:

☐

Yes

☒

No WANRack does not provide voice services.

(E-3) Indicate that the Applicant's switch is "fully equal access capable" (i.e., would provide equal access to facilities-based long distance companies) pursuant to A.A.C. R14-2-1111 (A):

☐

Yes

☒

No WANRack does not provide voice services

I certify that if the applicant is an Arizona corporation, a current copy of the Articles of Incorporation is on file with the Arizona Corporation Commission and the applicant holds a Certificate of Good Standing from the Commission. If the company is a foreign corporation or partnership, I certify that the company has authority to transact business in Arizona. I certify that all appropriate city, county, and/or State agency approvals have been obtained. Upon signing of this application, I attest that I have read the Commission's rules and regulations relating to the regulations of telecommunications services (A.A.C. Title 14, Chapter 2, Article 11) and that the company will abide by Arizona state law including the Arizona Corporation Commission Rules. I agree that the Commission's rules apply in the event there is a conflict between those rules and the company's tariff, unless otherwise ordered by the Commission. I certify that to the best of my knowledge the information provided in this Application and Petition is true and correct.


(Signature of Authorized Representative)

April 2, 2015
(Date)


Gerardo Garza
(Print Name of Authorized Representative)

CEO
(Title)

SUBSCRIBED AND SWORN to before me this 2nd day of April, 2015



LUIS F. CAMPO
MY COMMISSION # FF 147589
EXPIRES: August 4, 2018
Bonded Thru Budget Notary Services


NOTARY PUBLIC

My Commission Expires August 4, 2018

ATTACHMENT A

CC&N Application of WANRack, LLC

Certificate of Good Standing

Applicant is in the process of applying for registration to conduct business as a foreign LLC in Arizona. The application is currently pending. Applicant will provide a good standing certificate when the application for authority is approved by the Corporations Division.

Owners

The members (owners) of the LLC are:

Gerardo Garza
7950 SW 54th Ave
Miami, FL 33143

Rob Oyler
25656 W. 97th St.
Lenexa, KS 66227

Darren Bonawitz
25656 W 97th St.
Lenexa, KS 66227

The LLC is a member-managed LLC.

Ownership percentage

Gerardo Garza	33.33%
Rob Oyler	33.33%
Darren Bonawitz	33.33%

ATTACHMENT B

CC&N Application of WANRack, LLC

ICB TARIFF

WANRack, LLC

25656 W 97th Street
Lenexa, KS 66227
<http://wanrack.com/>

PRIVATE LINE TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Private Line Services by WANRack, LLC. This tariff applies to services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

CHECK SHEET

<u>PAGE</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

TABLE OF CONTENTS

	<u>PAGE NO.</u>
TITLE PAGE	1
CHECK SHEET	2
TABLE OF CONTENTS	3
EXPLANATION OF SYMBOLS	4
APPLICATION & SERVICE OFFERING	5
1. Definitions	6
2. Rules and Regulations	8
2.1 Use of Services	8
2.2 Liability of the Company	9
3. Services, Location, Prices and Charges	11
3.1 Description of Service	11
3.2 Location of Service	11
3.3 Rates of Service	11
3.4 Application for Service	11
3.5 Deposits	11

Issued: April 2, 2015

Effective: [DATE] 2015

Issued by:

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

EXPLANATION OF SYMBOLS

- (C) To signify changed regulation
- (D) To signify discontinued rate or regulation
- (I) To signify increased rate
- (M) To signify that material has been transferred from another sheet or place in the tariff.
- (N) To signify new rate or regulation
- (O) To signify no change*
- (R) To signify reduced rate
- (S) To signify reissued matter
- (T) To signify a change in text but no change in rate or regulations.

* The use of the symbol (O) shall be discretionary unless its use in the interest of clarity or is evident or specifically requested by the Commission.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of private line services statewide.

SERVICE OFFERING

The Company will offer facilities-based private line transport services including WAN services.

CUSTOMER SERVICE

The Company's Customer Service number is 1-855-ITC-RACK (1-855-482-7225)

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

SECTION 1 -
DEFINITIONS

Commission: The Arizona Corporation Commission.

Company: WANRack, LLC, a Kansas limited liability company, which is the issuer of this tariff.

Customer: The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to customer locations and for compliance with tariff regulations.

Individual Case Basis ("ICB"): A service arrangement in which the regulations rates and charges are developed based on the specific circumstances of the Customer's situation.

Internet Protocol Transfer: Transfer of information through the use of software that tracks the Internet address of nodes, routes outgoing messages, and recognizes incoming messages.

Private Line Transmission: A dedicated nonswitchable link from one or more customer-specified locations to one or more customer-specified locations.

Packet Based Data Services: Data services sent in packets through a network to some remote location. The data to be sent is assembled by the Packet Assembler/Disassembler in to individual packets of data, involving a process of segmentation or subdivision of larger sets of data as specified by the native protocol of the transmitting device.

Service Commencement Date: The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order, Service Contract or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

of service. The parties may mutually agree upon a substitute Service Commencement Date.

Service Order: The written request for interexchange services executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

Services: The Company's private line offered on the Company's network.

WAN: Wide Area Network.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

SECTION – RULES AND REGULATIONS

2.1 Use of Services

- 2.1.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the WAN facilities utilized in the provision of services, subject to any limitations set forth in Section 2.2.
- 2.1.2 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 The Company's services may be denied for non-payment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff service provided. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.2 Liability of the Company (continued)

- 2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.
- 2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

SECTION 3 - SERVICES, LOCATIONS, PRICES AND CHARGES

3.1 Description of Service

The Company will provide private line transportation service consisting of high capacity transport on a leased long-term basis. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

3.2 Location of Service

The Company is a metropolitan network solutions provider that designs, builds and maintains custom network solutions for its customers. The location of the service is dependent on facilities constructed or leased by the Company.

3.3 Rates for Service

The Company may offer individualized arrangements on a case-by-case basis to enterprise customers including businesses, schools, and government organizations in response to a request from a bona fide customer or potential customer. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis. The terms, conditions, and prices of such of the Company's services will be set forth in a contract between the customer and Company.

3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

Issued: April 2, 2015
Issued by:

Effective: [DATE] 2015

Gerardo Garza
Chief Executive Officer
WANRack, LLC
7950 SW 54th Avenue
Miami, FL 33143

ATTACHMENT C

CC&N Application of WANRack, LLC

CUSTOMER NOTICE

Customer notice will be published in accordance with the Procedural Order to be issued in this docket.

May 24, 2010

ATTACHMENT D

CC&N Application of WANRack, LLC

FINANCIAL STATEMENTS

Financial statements will be provided confidentially pursuant to a Protective Agreement with the Commission Staff.

ATTACHMENT E

CC&N Application of WANRack, LLC

KEY EMPLOYEES

Gerardo (Gerry) Garza, CEO

Gerardo joined WANRack in September 2014 and serves as the company's CEO. Prior to joining WANRack, Gerardo spent 9 years at FPL FiberNet, where he led the company's growth from a niche player in the carrier market in Florida to the premier provider of fiber based transport for carriers, enterprise, and cell site backhaul in the Southeastern region. At FPL FiberNet, Gerardo worked in multiple roles including Network Planning, Business Development, Sales, and ultimately served as Vice President of Sales & Marketing.

Gerardo also worked for GE in Mexico for 5 years where he worked in Finance and Business Development. He holds a BS in Mechanical & Electrical Engineering and an MBA from Harvard Business School.

Rob Oyler, President & Founder

Rob founded WANRack after spending the last 10 years building fiber optic networks for the K-12 market and hearing firsthand challenges with technology, budgets, and personnel. He has experience building over 100 school districts nationwide. Previously, Rob was one of the original employees of Unite Private Networks (UPN) and the largest non-founding shareholder. As EVP, he was responsible for all sales, marketing, and business development. He personally sold over 47% of company revenue under his tenure and built record breaking national sales teams. He participated in a successful exit after a Private Equity investment at UPN and founded WANRack to continue delivering Fiber Optic WANs to the K-12 Education vertical.

Rob is a Kauffman Foundation Fasttrac alumnus and holds a BS in Finance and Business Management from Baker University.

Darren Bonawitz, Vice President & Co-Founder

Darren has over 17 years of experience in information technology, telecommunications and data centers. Darren has served as President & CEO of 1102 Grand, one of the largest Midwest colocation facilities, where he guided the company from start-up to successful sale of the business to Private Equity.

In 2012, Darren started his own private equity firm, Third20 Group, which focuses on early stage investments in growth oriented companies. Darren has also served in business development and engineering roles at Birch Telecom and Lucent Technologies and attended Kansas State University majoring in Electrical Engineering.